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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,967	02/16/2001	Eugene Lapidous	5383.P001	1775

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,967

Applicant(s)

LAPIDOUS, EUGENE

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/02/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,17-23,26,27,29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-16,24,25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application Number 09/785, 967 was filed on 02/16/2001. Claims 1-30 are subject to examination. Claims 4, 5, 17-23, 26, 27, 29 and 30 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 02, 2004 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 24 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicant's intended metes and bounds for claims 1, 24 and 28 are. As written, "automatically displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference; automatically canceling the display of the

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set upon detecting that the user has released the button of the cursor control device after placing the cursor over a data exchange mode selected by the user from the set “, there is nothing in the claimed limitation that is being caused “automatically”, i.e. without user’s intervention or operating in a manner essentially independent of external influence or control, and as claimed everything in claimed limitations is being caused by the user’s action. Rejections over prior art based on both what it is believed Applicant intended as the metes and bounds and what it is believed are the actual metes and bounds, as written, are recited below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-8, 24, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bretschneider et al. (hereinafter Bretschneider) (US 6, 008, 807).

Referring to claim 1,

The reference Bretschneider teaches a method for retrieving documents in a computer network (col.6, lines 50-52, Fig. 4), the method comprising:

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automatically displaying a set of one or more selectable data exchange modes (Fig. 4, element 412) in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area (Fig. 4, element 402) associated with a file reference (Fig. 4, element 409, col.6, lines 59-62, col.7, lines 24-42, Note: element 426 can also be selected under "Browse");

automatically canceling the display of the set upon detecting that the user has released the button of the cursor control device after placing the cursor over a data exchange mode (Fig. 4, element 412, note: for example, "full screen") selected by the user from the set (col.7, lines 24-42, Note: element 426 can also be selected under "Browse"); and

issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode (col.7, lines 24-42).

Referring to claim 2,

The reference Bretschneider teaches the method of claim 1 further comprising:

before issuing the request, modifying one or more configuration parameters of an Internet browser in accordance with the selected data exchange mode (Fig. 4, element 412, col.7, lines 24-42); and

restoring the one or more configuration parameters of the Internet browser upon processing the request (Fig. 4, element 412, col.7, lines 24-42, Note: by the same commands the configurations can be restored.);.

Referring to claim 3,

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The reference Bretschneider teaches the method of claim 1 wherein said issuing further comprises:

modifying the request issued by an Internet browser in accordance with the data exchange mode selected by the user (col. 7, line 30-37).

Referring to claim 6,

The reference Bretschneider teaches the method of claim 1 wherein the user selection of the data exchange mode affects only the data associated with the file reference (col.6, lines 50-52, Fig. 4).

Referring to claim 7,

The reference Bretschneider teaches the method of claim 1 wherein the selected data exchange mode affects any one of the amount of user-specific information sent with the request, the amount of data sent by the server in response to the request, and the format of data sent by the server in response to the request (col.6, lines 50-52, Fig. 4), col. 7, lines 30-37).

Referring to claim 8,

The reference Bretschneider teaches the method of claim 1 wherein said issuing further comprises communicating with a network server storing the data associated with the identified file reference (Fig. 4, element 408, col.6, lines 47-52).

Referring to claim 24,

Claim 24 is a claim to a system that carries out the method of claim 1. Therefore claim 24 is rejected for the reasons set forth for claim 1.

Referring to claim 25,

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The reference Bretschneider teaches system of claim 24 wherein determination of the data exchange mode remains valid only for the data associated with the file reference, and is updated after receiving indication of the next document selection by the user. (col.6, lines 50-52, Fig. 4).

Referring to claim 26,

Claim 26 is a claim to a computer readable medium that provides instructions, which when executed on a processor, cause said processor to perform operations in accordance with the method of claim 1. Therefore claim 24 is rejected for the reasons set forth for claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider et al. (hereinafter Bretschneider) (US 6, 008, 807) in view of Tso et al. (hereinafter Tso) (US 6, 421, 733 B1)

Referring to claims 9 and 10,

Keeping in mind the teachings of the reference Bretschneider as stated above, the reference also teaches "Those skilled in this art, and others, should appreciate that the mechanism of the present invention may be practiced on

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computer systems with variant architectures.”, col. 4, lines 19-23. The reference also teaches “A web browsing toolbar 408 provides a user with the ability to “browse” web sites on the World Wide Web over the Internet, or web pages on an intranet. The web browsing toolbar 408 allows an individual browser, during an individual browser mode slide show, to retrieve slide presentations from the Internet or an intranet.”, col. 6, lines 47-52. The reference also teaches modifying the request for data when required by the selected data exchange mode communicating with a network server storing the data associated with the file reference, and modifying data received from the network server when required by the selected data exchange mode and wherein the request for data communicated contains an identifier of the selected data exchange mode.

(Fig. 4, col. 7, line 24-42). However, the reference Bretschneider fails to teach “issuing further comprises communicating with a proxy, the proxy performing operations as indicated above. The reference Tso teaches “Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device.”, col. 3, lines 18-21. The reference Tso also teaches the abilities of the transcoder including user preferences and content characteristics, col. 7, lines 15 through col. 8, line 9. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to install the Bretschneider’s mechanism into Tso’s proxy such that the data exchange mode can be performed at the proxy. This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy

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servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

Referring to claims 11 and 12,

Keeping in mind the teachings of the reference Bretschneider as stated above, the reference also teaches "Those skilled in this art, and others, should appreciate that the mechanism of the present invention may be practiced on computer systems with variant architectures.", col. 4, lines 19-23. The reference also teaches "A web browsing toolbar 408 provides a user with the ability to "browse" web sites on the World Wide Web over the Internet, or web pages on an intranet. The web browsing toolbar 408 allows an individual browser, during an individual browser mode slide show, to retrieve slide presentations from the Internet or an intranet.", col. 6, lines 47-52 (sending a request to retrieve data associated with the file reference to a first server, the request conforming to the selected date exchange mode). However, the reference Bretschneider fails to teach receiving a response from the first server, the response indicating a new location of the data associated with the file reference; and automatically issuing a

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second request to a second server using the new location, the second request conforming to the selected data exchange mode. The reference Tso teaches the claimed limitations in col.3, lines 21-30, (distributed system of computers), col. 9, lines 29-33, and col. 12, lines 17-32. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to install the Bretschneider's mechanism into Tso's proxy such that the data exchange mode can be performed at the proxy. This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

Referring to claim 13,

Keeping in mind the teachings of the reference Bretschneider as stated above wherein it teaches wherein said issuing further comprises: including an identifier of the selected data exchange mode; and sending the request with the identifier of the selected data exchange mode (Fig. 4, col. 6, lines 37-62). However, the reference Bretschneider fails to teach "sending the request to the proxy". The

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reference Tso teaches "Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device.", col. 3, lines 18-21. The reference Tso also teaches the abilities of the transcoder including user preferences and content characteristics, col. 7, lines 15 through col. 8, line 9. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to install the Bretschneider's mechanism into Tso's proxy such that the data exchange mode can be performed at the proxy. This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

Referring to claims 14, 15 and 16,

Keeping in mind the teachings of the reference Bretschneider including its mechanism as stated above, the reference also teaches "Those skilled in this art, and others, should appreciate that the mechanism of the present invention may

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be practiced on computer systems with variant architectures.”, col. 4, lines 19-23.

The reference also teaches “A web browsing toolbar 408 provides a user with the ability to “browse” web sites on the World Wide Web over the Internet, or web pages on an intranet. The web browsing toolbar 408 allows an individual browser, during an individual browser mode slide show, to retrieve slide presentations from the Internet or an intranet.”, col. 6, lines 47-52. However, the reference fails to teach the claimed limitations. The reference Tso teaches the first proxy selecting a second proxy as a recipient of the request based on the identifier of the selected data exchange mode and a predefined set of operations performed by the second proxy (col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39), and the first proxy taking responsibility for performing a first portion of operations required by the selected data exchange mode; and the first proxy selecting a second proxy for performing a second portion of operations required by the selected data exchange mode, and the first proxy updating the identifier of the data exchange mode with an identifier value associated with the second portion of operations; and the first proxy sending the request with the updated identifier value to the second proxy. (Fig.5, elements 48 and 36, col. 14, lines 23-32, col. 7, lines 15-67 and col. 8, lines 1-9, Fig. 5, element 48, col. 13, lines 36-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to install the Bretschneider's mechanism into Tso's proxy such that the data exchange mode can be performed at the proxy. This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence,

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proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


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